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BY-LAWS

TOWN OF FRAMINGHAM



1920

Framingham, Mass. — Ordinances

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CODE OF BY-LAWS
TOWN OF FRAMINGHAM.

TOWN MEETINGS.

I. The annual town meeting for the election of officers shall be held on the first Monday of March.

II. The polls shall be opened at 5.45 o'clock in the morning and shall remain open until 4 o'clock in the afternoon.

III. All business of the annual meeting other than the election of town officers and the determination of such matters as are by law placed on the ballot, shall be deferred to an adjournment to be held on the second Wednesday following.

IV. Notice of every town meeting shall be given by publication of a copy of the warrant in at least two issues of one or more newspapers published in said town. The first publication to be at least seven days before the date of the meeting, also by posting copies of the warrant in ten or more public places in said town eight days before the date of the meeting.

V. Whenever a town meeting shall adjourn to a future date, the town clerk shall cause a notice of the time and place of adjournment to be published in one or more issues of a newspaper published in the town. Such notice shall briefly state the business to come before the adjourned meeting.

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VI. No motion to reconsider a matter already acted on shall be in order at any adjournment except by unanimous consent, unless a notice of such intention shall be given in writing to the Town Clerk on or before noon of the date that the meeting stands adjourned to, and the Clerk shall give notice of such intention by advertisement, or posting a notice at his office.

VII. All voting in town meetings shall be by a show of hands. If the result is in doubt the Moderator shall count or cause to be counted the uplifted hands. If still in doubt, or if the result is questioned by seven voters, the Moderator shall appoint tellers who shall verify the vote.

VIII. The Moderator may decline to put obviously frivolous motions. Motions shall be presented in writing upon request of the Moderator.

IX. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant has been duly considered and acted on, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time.

X. No person shall address the meeting unless recognized by the Moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.

XI. Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.

XII. The Moderator shall appoint all committees of the town unless the town otherwise directs. He may direct that only voters be admitted to the place of meeting or to a definite portion thereof.

XIII. All committees shall report as directed by the town. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, the town grant an extension of time.

XIV. No appropriation shall be made under the report of any committee of the town unless the report has been previously submitted to the Finance Committee.

XV. The Moderator shall be guided by Cushing's Manual of Parliamentary Law, so far as the same is applicable to a town meeting.

OFFICERS OF THE TOWN.

General provisions applicable to all permanent boards and officers.

I. All officers, boards and committees having permanent clerical assistance shall keep their offices open for public business from 9 a. m. to 4 p. m. every week day except Saturdays and then from 9 a. m. to 1 p. m.

II. All officers, boards and committees shall notify the Town Clerk of their organization and office hours or time of stated meetings.

III. Whenever any work is to be done, the whole, or a portion of which is to be paid for by private parties, the officer having such work in charge shall before proceeding on such work, require a deposit of the estimated expense with the Treasurer and on the completion of the work, the Treasurer shall retain the cost of such work and return the balance, if any, to the depositor.

IV. No contract, involving an obligation of the town, exceeding the sum of one hundred dollars shall at any time be

made, except by vote of the committee or board thereunto duly authorized having supervision of the department to which the same relates. Such vote shall be recorded and such records shall be open to inspection.

V. No contract, involving an obligation of the town exceeding the sum of five hundred dollars, shall be binding upon the town, unless it is in writing and is signed by at least a majority of the board or committee in charge of the work on the part of the town.

VI. No board or officer shall make any contract in behalf of the town, the execution of which shall necessarily extend beyond one year, from the date thereof, unless specific authority so to do has been given by vote of the town.

VII. Whenever any property of the town to the value of two hundred dollars or over is to be sold, it shall be sold at public auction after not less than seven days' notice in one or more newspapers published in said town.

FINANCE COMMITTEE.

I. There shall be a Finance Committee of nine voters, three of whom shall be appointed annually by the Selectmen to serve for the term of three years. Such appointment shall be made forthwith after the annual meeting and at other times to fill vacancies.

II. No member of the Committee shall hold any elective or appointive town office. The members of the Committee shall serve without salary. The term of the members shall commence the first of May following their appointment. Said Committee shall meet for organization at the call of the Selectmen and shall choose its own chairman and clerk.

III. The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditures of money by the town; its indebtedness; the methods of administration of its various officers and departments; property valuation and assessments and other municipal affairs, and may make recommendations to the town, to any town board, officer or committee, relative to such matters.

IV. The various town boards, officers and committees, charged with the expenditures of town money shall, before January 15th of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of the appropriation requested by them for the ensuing fiscal year. Said estimates and statements shall be filed with the Clerk of the Finance Committee on or before January 15th of each year.

V. The Finance Committee shall duly consider the same and may confer with said town boards, officers and committees, and hold hearings, if they deem it advisable. The Committee shall thereupon approve or disapprove the amount, in whole or in part, of the appropriation so requested. The Committee shall make a report of the matters so considered by it, with recommendation or suggestion relative thereto, and the same shall be published and distributed at least three days before the business meeting. Said report of the Finance Committee, as published, shall also contain a statement of the doings of the Committee during the year, with such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the town.

VI. Requests by the town boards, officers, committees or citizens for insertion of articles in warrants for town meetings, which involve the expenditure or appropriation of money shall be referred to the Finance Committee. The Finance Committee, after due consideration, shall approve or disapprove, in whole or in part, the expenditure or appropriation involved, and shall so notify the board, officer or committee which submitted the request for the article, and also the Board of Selectmen, with such recommendations, or suggestions as the Finance Committee shall deem advisable. When an expenditure or appropriation is sought by the Board of Selectmen for a department or matter under the control of said board any proposal for such expenditure or appropriation shall be submitted to the Finance Committee for its approval or disapproval as herein provided.

TOWN CLERK.

I. The Town Clerk shall keep and cause to be permanently bound, one or more files of the town reports. He shall notify, or cause to be notified, all persons chosen or elected by the town or appointed on committees, of their election, choice or appointment. He shall furnish all boards and committees with a copy of all votes affecting them. He shall not allow original papers or documents of the town to be taken from his office, except as they remain in his custody, or by authority of law.

II. He shall furnish blanks, with appropriate headings, upon which petitions, reports and other papers in the ordinary course of town proceedings, may be prepared.

III. The Town Clerk shall furnish the various town officers and committees a copy of such action of the town as affects them respectively immediately after the town meeting.

SELECTMEN.

I. The Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law or by these By-Laws.

II. The Selectmen may appear, either personally or by the town counsel, or by special counsel before any court, or any State or County board, or commission, to protect the interests of the town, but are not authorized by these By-Laws to commit the town to any course of action.

III. All conveyances of land or interests in land shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the town, and shall be sealed with the town seal.

IV. The Selectmen shall defend all suits brought against the town, and may settle at their discretion any claim or suit to which the town is a party, which does not require the payment of more than One Thousand Dollars. Any settlement requiring a payment greater than One Thousand Dollars except as authorized by law shall be made only when authorized by the voters at a town meeting. The Selectmen shall bring any necessary suits to collect sums due the town.

V. The Selectmen in their annual report shall state what actions have been brought in favor of and against the town; what cases settled, and the present standing of all suits at law.

STREETS.

I. The Board of Selectmen shall name all streets, but no present name of any street shall be given to any other street.

II. The Assessors may order all buildings on public streets to be numbered and so shall order, when requested by

a majority of the people owning real estate on any such street. The owner of every such building on a public street shall comply with such order within ten days thereafter. The owner of an unnumbered building may request the Board to designate the number for such building and the Board shall comply with such request within ten days. The Board may recommend such numbering of buildings on a private way.

TREASURER.

I. The Treasurer shall make a record in a book kept for the purpose, of each appropriation, with the list of the warrants drawn against such appropriation, and he shall also make a record in a book, kept for the purpose, of all bonds, notes, or other evidence of indebtedness of the town.

II. He shall be the custodian of all deeds, contracts, bonds and insurance policies, belonging to the town, except that the bond of the Treasurer shall be in the custody of the Chairman of the Selectmen.

III. He shall see that all deeds of the town are properly recorded. He shall keep separate books, in which shall be entered the number and a brief description of the property conveyed.

IV. It shall be the duty of the Treasurer to make, in the annual printed report of the town, a report which shall specifically state the objects, if any, for which the debt of the town may have been increased during the preceding year. The report shall give a classified statement of the indebtedness of the town and the objects for which it was incurred. Said report shall also include:

(a) A list of all notes issued during the year and the purposes for which the money was borrowed, giving the dates,

amount, term, rate of interest, time of maturity, the premium, if any, received thereon and the names of the parties of whom the funds were borrowed.

(*b*) A list of all notes paid during the year, and a list of all outstanding notes, with the dates on which they will mature.

(*c*) A full exhibit of all moneys, properties and securities, which may be placed in his charge by virtue of any statute or by-law or by virtue of any gift, devise, bequest or deposit.

(*d*) A statement of the amount of money received by the town from other sources than taxation during the preceding year, also the expenditures and debt of the town for each of the preceding five years.

(*e*) A list of all insurance held by the town.

V. The Treasurer shall be the Treasurer of the Sinking Fund.

LIBRARY TRUSTEES.

I. The Library Trustees shall have the care and custody of the Memorial Library and such branch libraries and reading rooms as the town may establish and expenditure of such amounts as the town may appropriate or that may be contributed from any source, and they shall adopt such rules and regulations as are consistent with law. The Trustees shall keep on file the annual report of the town of Framingham in the different branch libraries and each five years shall cause the town reports of the preceding five years to be substantially bound and lettered. They shall also have the copies of the Commission of Public Works and School Committee reports and all other reports submitted to the town in print, properly preserved.

II. They shall make an annual report to the town, which shall give a full financial statement of all receipts and expenditures, the number of books added, the number circulated at each delivery station, and any other information they may desire to bring before the town.

TOWN COUNSEL.

I. The Selectmen shall hereafter annually on or before the first day of April, and whenever a vacancy shall exist, choose some competent lawyer, residing in the town, to act as Town Counsel. He shall receive such salary or compensation as they may determine.

II. The Selectmen shall have authority to prosecute, defend and compromise, subject to the provisions of these By-Laws through the Town Counsel, all litigations to which the town is a party, and to employ special counsel, whenever in their judgment necessity thereof arises.

III. The term of office of said Counsel shall begin from the time of his acceptance of appointment and shall continue until the election and acceptance of his successor.

IV. The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances, and other legal instruments, and do every professional act which may be required of him by vote of the town or any board of town officers. Also, when required by any boards or committees of the town, he shall furnish a written opinion on any legal question that may be submitted to him in regard to any matter which concerns the said board or committee, and he shall at all times furnish legal advice to any officer of the town upon any subject concerning the duties incumbent upon such officer by virtue of his office, upon request of such officer submitted through the Board of Selectmen.

V. He shall prosecute all suits ordered to be brought by the town, and shall appear before any court in the Commonwealth in defense of all actions or suits brought against the town or its officers in their official capacity. He shall try any and all cases to which the town shall be a party, before any tribunal in this Commonwealth, or before any board of referees or commissioners.

VI. The Town Counsel shall not make final settlement of any litigation to which the town is a party, unless he has been duly authorized so to do by the Selectmen, or by the town according to the provisions of Section IV of these By-Laws relating to the Selectmen.

VII. Immediately upon being notified by the Chief of Police or Superintendent of Public Works, or upon the receipt of notice from any other source, of injury to person or property, under circumstances which may give rise to a claim for damages against the town, the Town Counsel shall make a careful and complete investigation of all the facts relative thereto, and report to the Selectmen.

VIII. The Town Counsel shall, if requested by the Selectmen or Chief of Police, prosecute in the local district court any case or violation of the Statutes of the Commonwealth or By-Laws of the town.

IX. He shall annually make a written report to the Selectmen to be printed in the Annual Town Report, concerning the professional services rendered by him during the preceding year. Said report shall contain a statement of each case which has been settled, tried, or otherwise disposed of by him during the year; and also a statement of each case which is still pending, and the status of the same, together with such other information and recommendations as he may deem advisable.

X. He shall notify in writing all officers or boards of the town of any changes in the laws of the Commonwealth affecting such officers or boards.

MISCELLANEOUS PROVISIONS.

I. No person shall knowingly permit or suffer any water or other liquid to run or be discharged from any building owned by him, or under his control, so as to flow on any sidewalk, except that a person may wash windows with hose before the hour of 10 o'clock A. M. when the temperature is above the freezing point.

II. Every such person shall erect or cause to be erected upon any building, which he owns or of which he has charge, and which is near the line of a sidewalk or street, a barrier or other suitable provisions, sufficient to prevent the falling of snow and ice from the roof of such building upon persons travelling on such sidewalk or street.

III. No person except a duly authorized officer of the town shall without a permit from the Selectmen dig up any portion of a public way nor obstruct any public way for the purpose of erecting, repairing, altering, or removing any building. Every permit granted, as aforesaid, shall specify the length of time it shall continue in force, and a copy shall be given the Superintendent of Public Works. Every person receiving such permit shall execute a written agreement to indemnify and save harmless the town against all damages or cost by reason of any claim for damages on account of the existence of such obstruction or excavation, and the Selectmen may impose such conditions, terms and limitations as they shall see fit in respect to erecting barricades, maintaining lights and taking other precautions for the safety of travellers.

IV. No person shall coast upon or across any sidewalk or street in town, except on certain streets which the Selectmen shall designate.

V. No person shall throw any stones, sticks or other missiles on or upon any street of the town, or play at ball or any games to obstruct the free passage on the street.

VI. No person shall tie or fasten any horse or other animal or team of any kind to any lamp post or hydrant or any ornamental shade tree, shrub or vine, or to any fence or other thing, erected for the protection of such tree, shrub or vine, or so near a tree, shrub or vine that such animal can injure it.

VII. No person shall place, or cause to be placed in any street, any garbage, shavings, paper, filth cleanings or rubbish or any decaying animal or vegetable matter, or any ashes, except in such place and manner as shall be approved by Board of Public Works.

VIII. No person shall distribute or cause to be distributed, any hand bill, circular, program or advertising slip, in or upon any street in the town, excepting that such hand bill, circular, program or advertising slip may be placed within the doors of stores, offices and business houses, and at the doors of residences.

IX. No person shall drive any horse upon any sidewalk, nor allow any vehicle to stand upon or obstruct any sidewalk or cross walk, except when loading or unloading goods or crossing the walk necessarily.

X. The penalty for the violation of any of these miscellaneous provisions shall be a fine not exceeding twenty dollars.

XI. So far as the former By-Laws of the town are inconsistent with these By-Laws they are hereby repealed.

March 31, 1920. *Voted*: That the by-laws herewith presented be adopted, to become forthwith, by-laws of the Town, subject to and in-so-far as they meet with the approval of the Attorney-General; such by-laws to be in addition to by-laws

heretofore adopted and approved upon report of this Committee, also in addition to the present by-laws regulating building, establishing fire limit, and relating to Junk Collectors and Dealers, Hawkers and Peddlers and Disposition of Rubbish and Refuse in Dumps; and that all other present by-laws be repealed.

Attest:

EDGAR A. BOWERS,
Town Clerk.
 Boston, Mass., May 6, 1920.

The foregoing by-laws are hereby approved.

J. WESTON ALLEN,
Attorney-General.

These by-laws have been published three times in the Evening News as follows: June 14th, 28th and 29th, 1920.

EDGAR A. BOWERS,
Town Clerk.

"A By-Law relative to Junk Collectors and Dealers in and Keepers of Shops for the purchase, sale or barter of Junk, Old Metals or Second Hand Articles in the Town of Framingham."

SECTION 1. The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, or second hand articles, in the town. They may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals, and second hand articles, from place to place in the town, and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting, or dealing in junk, old metals, or second hand articles; and may prescribe the design thereof. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be

examined at all times by the Selectmen or by any person by them authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of Sections 186 to 189, inclusive, of Chapter 102 of the Revised Laws, as amended by subsequent Acts of the General Court of Massachusetts.

SEC. 2. Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second hand articles, within the limits of the town, shall keep a book, in which shall be written, at the time of every purchase of any article, a description thereof, the name, age, and residence of the person from whom, and the day and hour when, such purchase was made; such book shall at all times be open to the inspection of the Selectmen and of any person by them authorized to make such inspection; every keeper of such shop shall put in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters, such shop, and all articles of merchandise therein, may be at all times examined by the Selectmen or by any person by them authorized to make such examination; and no keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such, and no article purchased or received by such shop keeper shall be sold until at least one week from the date of its purchase or receipt has elapsed, such shops shall be closed between the hours of 6 P. M. and 7. A. M., and no keeper thereof and no junk collector shall purchase any of the articles aforesaid during such hours.

Adopted by vote of the town July 30, 1907.

Attest:

FRANK E. HEMENWAY,
Town Clerk.

Approved: Sept. 23, 1907.

DANA MALONE,
Attorney-General.

BY-LAWS RELATING TO HAWKERS AND PEDDLERS.

SECTION 1. No person shall go from place to place in this town selling or bartering, or carrying or exposing for sale or barter, any fruits, vegetables, or fish in or from any cart, wagon or other vehicle, or in any other manner, without a license therefor from the Board of Selectmen; provided, however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family, or fish which is obtained by his own labor or the labor of his family.

SEC. 2. The Board of Selectmen shall have authority to grant such license to any person of good repute for morals and integrity who is, or has declared his intention to become, a citizen of the United States. Said licenses, unless sooner revoked by the Board of Selectmen shall expire one year after the granting thereof, and each person so licensed shall pay therefor a fee of \$5.00 (five dollars).

SEC. 3. No hawker or peddler shall sell, or offer or expose for sale, any of the articles enumerated in Section 15, of Chapter 65 of the Revised Laws, or in any acts in amendment thereof or in addition thereto, until he has recorded his name and residence with the Selectmen. Every person licensed under the provisions of the preceding section as a hawker or peddler of fruits and vegetables shall record his name and residence in like manner with such board.

SEC. 4. No person hawking, peddling, or carrying or exposing any articles for sale, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the town, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.

SEC. 5. Every hawker and peddler licensed by the Board of Selectmen shall be assigned a number and shall be pro-

vided by the Board of Selectmen with a badge which shall be conspicuously worn by him; and every other such hawker and peddler as described in section three shall provide himself with a badge of such type and design as may be approved by said Board of Selectmen which he shall wear in like manner. Whoever neglects to wear, or wears such badge without authority, shall be punished by the penalty provided in section ten of this by-law.

SEC. 6. Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the town with his license, bearing the number and date of expiration of such license.

SEC. 7. No person shall be registered or assigned a badge or number plate under the provisions of sections three and five of these by-laws, until he presents a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration.

SEC. 8. Nothing in these by-laws shall be construed as conflicting with any license issued under the authority of the Commonwealth.

SEC. 9. Any license granted under these by-laws or any by-law amendatory or additional thereto, may be revoked by the Board of Selectmen.

SEC. 10. Whoever violates any provision of these by-laws shall be punished by a fine not exceeding twenty dollars for each offense.

SEC. 11. All by-laws or parts of by-laws inconsistent herewith are hereby repealed.

Adopted by vote of the Town, Nov. 22, 1916.

Attest:

EDGAR A. BOWERS,
Town Clerk.

Boston, Mass., December 5, 1916

The foregoing by-laws is hereby approved.

HENRY C. ATWILL,
Attorney-General.

DISPOSITION OF RUBBISH AND REFUSE IN DUMPS.

1. Whenever a person desires to locate a dumping place, for the depositing of material on property owned by him, other than that designated by the Board of Health as a public dump, such persons shall obtain a permit from the Board of Health to maintain such a dump, and shall be responsible for the proper care and maintenance of such dump or place of deposit upon his property. If such place of deposit is more than one hundred and fifty feet removed from any building, he shall at least once in each month bury all papers, brush and combustible materials, and if such place of deposit is less than one hundred and fifty feet removed from any building, he shall bury such papers, brush and combustible materials at least once in each week.

2. No person shall, except as hereinafter provided, deposit upon any such dump, or upon streets or ways, or upon any property, public or private, any garbage, decayed meats, fish, fruit or vegetables or any substance which may decompose. If a place is desired for the deposit of such material, the person desiring to make such disposal shall submit to said Board in writing the location where he desires to deposit

such material. Such location shall be remote from streets or dwellings, and the Board of Health, shall, upon approval thereof, as suitable for such purpose, issue a permit for such disposition.

3. Any permit or license granted hereunder may be revoked by said Board of Health.

Adopted by vote of the Town March 21, 1916.

Attest:

EDGAR A. BOWERS,
Town Clerk.

Boston, Mass., May 16, 1916. Approved:

HENRY C. ATWILL,
Attorney-General.

NOTE: "Building By-Laws and Fire Limit and Traffic Regulations" are published in separate pamphlet as are the Rules and Regulations of the Board of Health together with Plumbing regulations.

The Town adopted, in 1916, a by-law relative to awnings and signs but this was not approved by the Attorney General. So, too, any change in the by-laws as adopted and as finally approved is due to the action of the Attorney General.

EDGAR A. BOWERS, *Town Clerk.*

UNIVERSITY OF ILLINOIS-URBANA



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